

### **REMARKS**

In view of the following discussion, the Applicants submit that none of the claims now pending in the application are directed to non-statutory subject matter under the provisions of 35 U.S.C. §101, are indefinite under the provisions of 35 U.S.C. §112, or are made obvious under the provisions of 35 U.S.C. §103. Thus, the Applicants believe that all of these claims are now in allowable form.

#### **I. REJECTION OF CLAIMS 20, 22-35, AND 37-38 UNDER 35 U.S.C. § 101**

Claims 20, 22-35, and 37-38 stand rejected under 35 U.S.C. § 101 as being allegedly directed to non-statutory subject matter. In response, the Applicants have amended independent claim 20, from which claims 22-35 and 37-38 depend, in order to more clearly recite aspects of the invention.

In particular, the Examiner alleges that “the claim language does not include the required (1) tie [to another statutory class] or (2) transformation [of underlying subject matter]” (Office Action, Page 8). The Applicants have therefore amended independent claim 20 in order to specify that the claimed method “use[s] a processor” to perform the recited steps (emphasis added). As such, this amendment clearly ties the claimed method to a processor, which falls into another statutory category, namely, a “particular apparatus,” as required. Thus, the Applicants respectfully submit that claim 20, as amended, clearly satisfies the requirements of 35 U.S.C. §101 and is patentable thereunder.

Claims 22-35 and 37-38 depend from independent claim 20 and recite at least all of the features recited in independent claim 20. As such, and for at least the same reasons stated above with respect to independent claim 20, the Applicants respectfully submit that claims 22-35 and 37-38 also clearly satisfy the requirements of 35 U.S.C. §101 and are patentable thereunder. Accordingly the Applicants respectfully request that the rejection of claims 20, 22-35, and 37-38 under 35 U.S.C. §101 be withdrawn.

## **II. REJECTION OF CLAIMS 1, 3-16, 18-20, 22-35, AND 37-40 UNDER 35 U.S.C. § 112**

Claims 1, 3-16, 18-20, 22-35, and 37-40 stand rejected under 35 U.S.C. § 112, second paragraph as being allegedly indefinite. In response, the Applicants have amended independent claims 20 and 39 in order to more clearly recite aspects of the invention. Claims 1, 3-16, 18-19, and 40 have been cancelled without prejudice.

With respect to the Examiner's first point, the Applicants have amended independent claims 20 and 39 to delete the phrase "facilitating decision making by." In light of this amendment, the Applicants respectfully submit that the recited steps clearly relate to the preambles of the claims.

With respect to the Examiner's second point, the Applicants have amended independent claims 20 and 39 to recite that "a subset of the plurality of searchable templates is relevant to the given situation" and that the user selection is selected "from said subset," replacing "at least one of the plurality of searchable templates is relevant to the given situation" and a user selection selected "from among the at least one of the plurality of searchable templates" (See, e.g., independent claim 1). In other words, within the plurality of templates, a subset of these templates (one or more) is relevant to a given situation. The template selected by the user is selected from this subset. The Applicants respectfully submit that the amendment makes this meaning sufficiently clear.

With respect to the Examiner's third point, the Applicants have amended independent claims 20 and 39 to recite the individual step of "presenting to the user at least one discovery tool ..." (See, e.g., independent claim 20) and deleted the recitation of discovery tools from the "receiving" step. The Applicants respectfully submit that this amendment renders the feature of the discovery tools sufficiently definite as claimed. Also with respect to the Examiner's third point, the Applicants respectfully submit that the feature wherein "each of said one or more responses is associated with a likelihood of a negative or positive result" does, in fact, related to or further limit the receiving step because it describes what specifically is being received (*i.e.*, it describes the content of

the one or more responses; See, e.g., at least paragraph 0056 of the Applicants' Specification). Thus, the Applicants respectfully submit that the feature of the likelihood associated with the responses is definite as claimed.

With respect to the Examiner's fourth point, the Applicants respectfully submit that this appears to repeat the Examiner's third point, except that it refers to the limitations in question as being part of "element/step (g)" instead of "element/step (c)" (See, e.g., Final Office Action, Pages 10-11, points 3 and 4). As best as the Applicants can ascertain, "element/step (g)" of the claims does not recite the limitations in question.

With respect to the Examiner's fifth point<sup>1</sup>, the Applicants respectfully submit that the definition of "argument" as used by the Applicants in the claims is appropriate. As the Examiner points out, one meaning of the term "argument" is "a reason given in proof or rebuttal" (See, Final Office Action, Page 11). As discussed in the Applicants' Specification and as set forth at least in independent claims 20 and 39, the templates, responses, supporting evidence, and conclusion are all associated with, and thus can collectively be considered a "reason in proof of," the likelihood that the given situation will have a positive or negative result (See, e.g., at least paragraphs 0010 -0014, 0056, and Abstract of the Applicants' Specification). As such, the Applicants respectfully submit that the claimed "argument" can contain all of the claimed features, and, as such, is sufficiently definite.

In light of the above, the Applicants respectfully submit that independent claims 20 and 39 are sufficiently definite within the meaning of 35 U.S.C. § 112, second paragraph. Moreover, claims 22-35 and 37-38 depend from independent claim 20 and recite at least all of the features recited in independent claim 20. As such, and for at least the same reasons stated above with respect to independent claim 20, the Applicants respectfully submit that claims 22-35 and 37-38 are also sufficiently definite within the meaning of 35 U.S.C. § 112, second paragraph. Accordingly, the Applicants respectfully request that the rejection of claims 20, 22-35, and 37-39 under 35 U.S.C. § 112 be withdrawn.

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<sup>1</sup> The Examiner's fifth point is actually labeled as "4);" however, this appears to be the second point labeled as such (See, Final Office Action, Page 11). It is this second point labeled as "4)" to which the Applicants refer when using the term "fifth point."

### **III. REJECTION OF CLAIMS 1, 3-20 AND 22-40 UNDER 35 U.S.C. § 103**

#### **A. Claims 1, 3-14, 17-20, 22-35 and 37-40**

The Examiner has rejected claims 1, 3-14, 17-20, 22-35 and 37-40 under 35 U.S.C. §103(a) as being unpatentable over the Grosser et al. patent (United States Patent No. 6,826,552, issued November 30, 2004, hereinafter “Grosser”) in view of the Kegan patent (United States Patent No. 5,819,248, issued October 6, 1998, hereinafter “Kegan”) and/or the Huang patent (United States Patent No. 5,953,707, issued September 14, 1999, hereinafter “Huang”). In response, the Applicants have amended independent claims 20 and 39 in order to more clearly recite aspects of the present invention. Claims 1, 3-14, 17-19 and 40 have been cancelled without prejudice.

In particular, the Applicants respectfully submit that Grosser, Kegan, and Huang, singly or in any permissible combination, fail to disclose or suggest the novel invention of a system for generating and publishing an argument supporting an associated conclusion, wherein queries comprising an argument template have categorical scales of likelihood represented by a plurality of potential responses, such that any response selected by a user will indicate a likelihood of a given situation having a positive or negative result, as recited by Applicants’ independent claims 20 and 39.

By contrast, the alleged combination (as taught by Grosser) at best teaches potential responses that are neutral or subjective with respect to whether a given situation will likely have a positive or negative result. Specifically, the potential responses indicate user preferences, which do not necessarily imply a quality of a result. For example, Grosser teaches a decision making system that may be configured to help a user shop for a house. The “queries” that Grosser presents for user response relate to the type of house the user wishes to shop for (e.g., what location, price range, style, etc.). The potential responses for any given query (e.g., ranch, colonial, Cape Cod, etc.) thus do not represent a categorical scale of likelihood, as claimed by the Applicants, but rather represent various user preferences that are independent with respect to each other and will vary from user to user.

The Applicants’ claims clearly recite a method and apparatus in which potential

responses to a template query represent a categorical scale of likelihood with respect to the query, the likelihoods indicating whether a given situation will likely have a positive or negative result. As described, for example, in paragraph [0056] of the Applicants' Specification, each potential response therefore reflects a level of risk or opportunity. Specifically, independent claims 20 and 39 recite:

20. A method for accessing or generating an argument supporting a conclusion for a given situation, the method comprising:

using a processor to perform steps comprising:

presenting to a user a plurality of searchable templates, wherein a subset of the plurality of searchable templates is relevant to the given situation;

receiving from said user a selection of one of said plurality of searchable templates from said subset that is relevant to the given situation, said one of said plurality of searchable templates being a relevant template most related to the given situation and including a plurality of queries;

displaying said plurality of queries to said user, wherein each of said plurality of queries has a categorical scale of likelihood regarding whether the given situation will likely have a negative or positive result, the categorical scale of likelihood being represented by a plurality of potential responses;

presenting to the user at least one discovery tool that links to an external data source to facilitate responding to at least one of the plurality of queries;

receiving from said user one or more user responses to said plurality of queries, where each of said one or more user responses is selected from the plurality of potential responses such that each of the user responses indicates a likelihood of a negative or positive result for an associated one of the plurality of queries;

receiving from said user supporting evidence in response to said plurality of queries, the supporting evidence being relied on by the user to form at least one of the one or more user responses;

associating said supporting evidence received from said user with at least one of said plurality of queries for which a user response has been received;

evaluating said one or more user responses, in accordance with the likelihood of a negative or positive result indicated by each of said one or more user responses, such that said one or more user responses collectively support a conclusion indicating whether the given situation will likely have a positive or negative result;

forming an argument supporting the conclusion of the evaluating, the argument comprising the relevant template, the one or more user responses, the supporting evidence, and the conclusion; and

publishing said argument, including said relevant template, said one or more user responses, said supporting evidence, and said conclusion, for review.  
(Emphasis added)

39. A computer readable storage medium containing executable program instructions for accessing or generating an argument supporting a conclusion for a given situation, the instructions causing a processor to perform steps comprising:

presenting to a user a plurality of searchable templates, wherein a subset of the plurality of searchable templates is relevant to the given situation;

receiving from said user a selection of one of said plurality of searchable templates from said subset that is relevant to the given situation, said one of said plurality of searchable templates being a relevant template most related to the given situation and comprising a plurality of queries;

displaying said plurality of queries to the user, wherein each of the plurality of queries has a categorical scale of likelihood regarding whether the given situation will likely have a negative or positive result, the categorical scale of likelihood being represented by a plurality of potential responses;

presenting to the user at least one discovery tool that links to an external data source to facilitate responding to at least one of the plurality of queries;

receiving from said user one or more user responses to plurality of queries of the relevant template, where each of said one or more user responses is selected from the plurality of potential responses such that each of the user responses indicates a likelihood of a negative or positive result for an associated one of the plurality of queries;

receiving from said user supporting evidence in response to said plurality of queries, the supporting evidence being relied on by the user to form at least one of the one or more user responses;

associating said supporting evidence received from said user with at least one of the plurality of queries for which a user response has been received;

evaluating said one or more user responses, in accordance with the likelihood of a negative or positive result indicated by each of said one or more user responses, such that said one or more user responses collectively support a conclusion indicating whether the given situation will likely have a positive or negative result;

forming an argument supporting the conclusion of the evaluating, the argument comprising the relevant template, the one or more user responses, the supporting evidence, and the conclusion; and

publishing said argument, including said relevant template, said one or more user responses, said supporting evidence, and said conclusion, for review. (Emphasis added)

As discussed above, Grosser, Kegan, and Huang, singly or in any permissible combination, fail to disclose or suggest the novel invention of a system for generating and publishing an argument supporting an associated conclusion, wherein queries comprising an argument template have categorical scales of likelihood represented by a

plurality of potential responses, such that any response selected by a user will indicate a likelihood of a given situation having a positive or negative result, as recited by Applicants' independent claims 20 and 39. Accordingly, the Applicants submit that for at least the reasons set forth above, independent claims 20 and 39 fully satisfy the requirements of 35 U.S.C. §103 and are patentable thereunder.

Dependent claims 22-35 and 37-38 depend from independent claim 20 and recite additional features therefore. As such, and for at least the reasons set forth above, the Applicants submit that claims 22-35 and 37-38 are not made obvious by the teachings of Grosser in view of Kegan and/or Huang. Therefore, the Applicants submit that dependent claims 22-35 and 37-38 also fully satisfy the requirements of 35 U.S.C. §103 and are patentable thereunder. Accordingly, the Applicants respectfully request that the rejection of claims 20, 22-35 and 37-39 under 35 U.S.C. § 103 be withdrawn.

#### **B. Claims 3, 11-16, 22, and 30-35**

The Examiner has rejected claims 3, 11-16, 22, and 30-35 under 35 U.S.C. §103(a) as being unpatentable over Grosser in view of Kegan and/or Huang and further in view of the Janssen patent (United States Patent No. 6,098,062, issued August 1, 200, hereinafter "Janssen"). In response, the Applicants have amended independent claim 20, as discussed above, in order to more clearly recite aspects of the present invention. Claims 3 and 11-16 have been cancelled without prejudice.

In particular, the Applicants respectfully submit that Grosser, Kegan, Huang, and Jassen singly or in any permissible combination, fail to disclose or suggest the novel invention of a system for generating and publishing an argument supporting an associated conclusion, wherein queries comprising an argument template have categorical scales of likelihood represented by a plurality of potential responses, such that any response selected by a user will indicate a likelihood of a given situation having a positive or negative result, as recited by Applicants' independent claim 20. Grosser, Kegan, and Huang have been discussed above. Janssen fails to bridge the gap in the teachings of Grosser, Kegan, and Huang.

Specifically, Janssen also fails to teach or suggest a system for generating and

publishing an argument supporting an associated conclusion, wherein queries comprising an argument template have categorical scales of likelihood represented by a plurality of potential responses, such that any response selected by a user will indicate a likelihood of a given situation having a positive or negative result. Therefore, the Applicants submit that for at least the reasons set forth above, independent claim 20 fully satisfies the requirements of 35 U.S.C. §103 and is patentable thereunder.

Dependent claims 22 and 30-35 depend from independent claim 20 and recite additional features therefore. As such, and for at least the reasons set forth above, the Applicants submit that claims 22 and 30-35 are not made obvious by the teachings of Grosser in view of Kegan and/or Huang and further in view of Janssen. Therefore, the Applicants submit that dependent claims 22 and 30-35 also fully satisfy the requirements of 35 U.S.C. §103 and are patentable thereunder.

#### **IV. NEW CLAIMS**

The Applicants have added new claims 41-56. Claims 41-56 depend from independent claim 39 and recite at least all of the same features recited in claim 39. As such, the Applicants believe that new claims 41-56 are allowable at least for the same reasons that independent claim 39 is believed to be allowable.

#### **V. CONCLUSION**

Thus, the Applicants submit that all of the presented claims fully satisfy the requirements of 35 U.S.C. §101, 35 U.S.C. §112, and 35 U.S.C. §103. Consequently, the Applicants believe that all of the presented claims are presently in condition for allowance. Accordingly, both reconsideration of this application and its swift passage to issue are earnestly solicited.

If, however, the Examiner believes that there are any unresolved issues requiring the maintenance of the final action in any of the claims now pending in the application, it is requested that the Examiner telephone Mr. Kin-Wah Tong, Esq. at (732) 842-8110 so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.



Respectfully submitted,



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Date

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